

MARLENE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARVIN FRANK,
Individually and on behalf of a class,

Plaintiff,

v.

1337 THIRD AVENUE, LLC,
d/b/a ATLANTIC GRILL,

Defendant.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6-27-08

Case No. 07 CV 11420 (VM)

STIPULATION AND
ORDER TO STRIKE
FROM THE RECORD

WHEREAS, the parties having executed a "Settlement Agreement and Mutual Release" on or about June 19, 2008 and the said Settlement Agreement and Mutual Release having been electronically filed by Donald R. Lomax, one of the attorneys of record for plaintiff herein, on June 19, 2008 as docket entry number 15 with attached PDF; and

WHEREAS, it was determined after electronic filing that the said Settlement Agreement and Mutual Release was intended to remain confidential and not filed with the Court; and

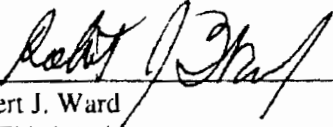
WHEREAS, the parties being in agreement that the said Settlement Agreement and Mutual Release was not intended to be filed and should in fact be permanently expunged from the record;

IT IS HEREBY STIPULATED AND AGREED, that the said Settlement Agreement and Mutual Release filed electronically in the within action on June 19, 2008 as docket entry number 15 with attached PDF be permanently expunged from the record; and it is further

STIPULATED AND AGREED, that the said Settlement Agreement and Mutual Release shall in all other respects be deemed permanently sealed and unavailable for public inspection.

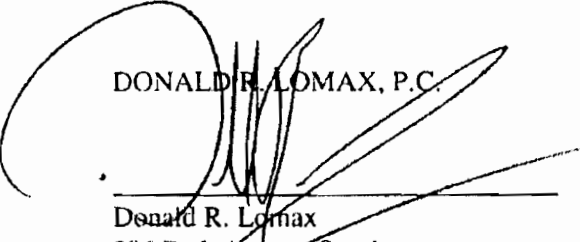
Dated: New York, New York
June 25, 2008

SCHULTE ROTH & ZABEL LLP




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SO ORDERED:



Victor Marrero
United States District Judge
Date: June 26, 2008